IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

THURSDAY, THE 15TH MARCH 2007 / 24TH PHALGUNA 1928

MFA.No. 1425 of 1997()

OPMV.382/1995 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THODUPUZHA
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APPELLANT - 2ND RESPONDENT:

UNITED INDIA INSURANCE CO. LTD., REPRESENTED BY ITS BRANCH MANAGER, PERUMBAVOOR BRANCH, PERUMBAVOOR.

BY ADV. SRI.P.V.JYOTHI PRASAD

RESPONDENTS - PETITIONER & RESPONDENT:
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1. **SAPANI, S/O. MADASWAMY, 45 YEARS, RESIDING AT HOUSE NO.18, WARD NO.VII, CHINNAKKANAL PANCHAYAT, CHINNAKKANAL VILLAGE, UDUMBANCHOLA TALUK.**

2. **P.G. NARAYANANKUTTY, S/O. GOVINDANKUTTY PANAMBILLY HOUSE, AKANADA, MUNDAKUZHA.**

BY ADVOCATE SHRI K.B. SAJEESH.

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 15/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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M.F.A. NO. 1425 OF 1997

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Dated this the 15th day of March, 2007

J U D G M E N T

The second respondent, insurer in O.P(MV) No.382 of 1995 on the file of the Motor Accidents Claims Tribunal, Thodupuzha is the appellant. Appeal is filed against the award passed by the Tribunal holding that the first respondent, petitioner in the petition, is entitled to get compensation from the second respondent herein and the appellant is liable to deposit that amount. in the very same accident two persons sustained injuries. One of the injured filed O.P(MV) No.386 of 1995 claiming compensation. Both the cases were tried together. Tribunal awarded compensation in both the cases also. Challenging the award passed in O.P(MV) No.382 of 1995 this appeal is filed and challenging the award passed in O.P(MV) No.386 of 1995, the appellant filed M.F.A. No.1330 of 1997. That appeal was dismissed holding that the appellant is liable to pay compensation. That finding will operate as res judicata in this

case. So the contention of the appellant that it is not liable to pay the compensation is unsustainable.

In the result, the appeal is without any merit and the same is accordingly dismissed.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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M.F.A. NO. 1425 OF 1997

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J U D G M E N T

15TH MARCH, 2007